

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RANDALL A. GREEN,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of
Social Security Administration,

Defendant.

Case No. C09-5275RJB

ORDER ADOPTING
REPORT AND
RECOMMENDATION
AND GRANTING
PLAINTIFF'S
MOTION/PETITION FOR
EAJA FEES AND COSTS

This matter comes before the court on the Report and Recommendation of the Magistrate Judge. Dkt. 26. The court has considered the Report and Recommendation, defendant's objections (Dkt. 27), and the file herein.

On March 30, 2010, plaintiff filed a motion for EAJA fees and costs, requesting that the court award costs of \$36.94 and attorney's fees of \$8,443.75. Dkt. 22-2, at 4. On April 19, 2010, defendant filed objections to the motion, arguing that the motion is premature and the Commissioner's position was substantially justified; and that the amount requested should be reduced because plaintiff has not shown that the requested fees are reasonable. Dkt. 23.

On May 24, 2010, U.S. Magistrate Judge J. Richard Creatura issued a Report and Recommendation, recommending that the court award fees and costs to plaintiff as a prevailing party, but that the court reduce the attorney's fees requested to \$7,812.50, based upon a reduction of the hourly rate from \$135 to \$125. Dkt. 26.

1 On June 2, 2010, defendant filed objections to the Report and Recommendation, arguing that the
2 Commissioner's position was substantially justified, and that the amount of time billed in this case was
3 too much. Dkt. 27.

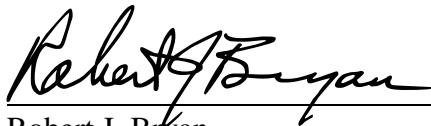
4 Plaintiff is the prevailing party. A review of the record shows that there was not a genuine dispute
5 over which reasonable people could differ. People work at different paces. The recommendation of the
6 magistrate judge that the hourly charge be reduced from \$135 to \$125 adjusts for that. The court concurs
7 with the recommendation of the magistrate judge.

8 Therefore, it is hereby

9 **ORDERED** that the Report and Recommendation of the magistrate judge (Dkt. 26) is
10 **ADOPTED**. Plaintiff's Motion/Petition for EAJA Fees and Costs (Dkt. 21) is **GRANTED** as follows:
11 plaintiff is awarded \$7,812.50 in attorney's fees and \$36.94 in costs.

12 The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any
13 party appearing *pro se* at said party's last known address.

14 DATED this 6th day of July, 2010.

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17 Robert J. Bryan
18 United States District Judge
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